

REMARKS/ARGUMENTS

Claims 1-4, 6, and 8-16 are pending. Claims 5 and 7 are canceled.

Claims 1-4, 12-14, and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,986,576 to Armstrong in view of U.S. Patent No. 3,886,700 to Lambert. Claim 6 was rejected as being unpatentable over Armstrong and Lambert and further in view of U.S. Patent No. 6,696,947 to Bybee. Claim 8 was rejected as being unpatentable over Armstrong and Lambert and further in view of U.S. Patent No. 5,675,956 to Nevin. Claims 9-11 were rejected as unpatentable over Armstrong and Lambert and further in view of U.S. Patent No. 5,340,069 to Niemeyer. Claim 15 was rejected as unpatentable over Armstrong and Lambert and further in view of U.S. Patent Application Publication 2006/0152175 to Clauberg.

Summary of Rejection of Claim 1 Based on Armstrong and Lambert

With respect to Claim 1, the Office Action asserted that Armstrong discloses a light assembly 10 comprising a pole having a plurality of inter-engagable sections 24 and 34 located end-to-end to form the pole (Figures 1 and 2), and a light attached at an operatively upper end of the pole (12, 14, and 16). The Office Action further asserted that each of Armstrong's sections 24, 34 has an axial hole therethrough, to form a passage through the sections for a cable. The Office Action conceded that Armstrong fails to teach a securing line located through the passage, and fails to teach any securing means movably securable on the securing line in an axial direction to secure the sections of the pole together.

For these elements missing from Armstrong, the Office Action relied upon Lambert. The Office Action asserted that Lambert discloses a pole having a plurality of engageable sections (50), each section having an axial hole therethrough (col. 2, lines 48-63) to form a passage through the sections for a securing line (passage through each inner element) located through the passage, and securing means (flexible strand 106) movably securable on the securing line in an

axial direction to secure the sections of the pole together (col. 4, lines 3-54; Figures 1-3). The Office Action asserted it would have been obvious to modify Armstrong's light assembly to incorporate the securing means of Lambert so that the pole structure can be collapsed and folded.

Response to Rejection of Claim 1

Applicant respectfully submits that Lambert has been mischaracterized, and that Lambert does not disclose or suggest any "securing means movably securable on the securing line in an axial direction to secure the sections of the pole together" as claimed. The key aspects of the claimed securing means thus are: (1) the securing means must be *movably securable on the securing line in an axial direction*, and (2) the function/result of movably securing the securing means on the securing line is *to secure the sections of the pole together*. Lambert fails to disclose or suggest these aspects, as explained below.

First, it must be recognized that the flexible strand 44 of Lambert's first embodiment of Figures 1-3 (or, equivalently, the flexible strand 106 of the second embodiment of Figures 5-8) is analogous to the *securing line* of Claim 1, not the *securing means* as the Office Action appeared to indicate. Accordingly, to meet aspect (1) of Claim 1 noted above, Lambert would have to disclose a securing means that is movably securable on the flexible strand 44/106 in an axial direction. Furthermore, to meet aspect (2), Lambert would have to disclose that the function/result of movably securing such securing means on the flexible strand 44/106 is to secure the sections of the pole together. However, there is no such securing means in Lambert's collapsible pole device.

Lambert's pole sections 50 are not secured together by any securing means movably securable on the flexible strand 44/106 in an axial direction. Instead, the pole sections 50 are secured together solely by the inner elements 20, and the flexible strand 44/106 plays no role in securing the pole sections 50 together. Lambert states at col. 1, lines 32-43 (italics and reference numbers in brackets added):

“The structural member of this invention comprises only three basic parts: A plurality of spaced inner elements [20] assembled in end-to-end relation; flexible strand means [44, 106] connected to and between the inner elements [20]; and a plurality of *open-ended outer elements [50] coaxial with the inner elements [20], and movable with respect to the inner elements [20] between extended positions engaging the end portions of a pair of adjacent inner elements [20] to create a substantially rigid elongated member and retracted positions engaging only one of the inner members, wherein the rigidity is destroyed and the member can be collapsed and folded.*”

And again at col. 3, lines 12-23, Lambert describes the operation of assembling the sections of the pole together:

“To assemble the structural member into the position shown in FIG. 1, the various elements are first oriented in end-to-end relationship, with the strand section 44 straightened. Then each outer section 50 is moved leftwardly as viewed in the drawings with respect to its associated inner element 20 to its extended position, wherein it slides over the tapered end 24 of the adjacent inner element 20. In the final orientation, each end portion 24 seats against limit surface 58 of the limiting stop 52 of the adjacent outer section 50, and the locking means 26 of each inner element 20 engages groove 60.”

It is significant that these descriptions fail to indicate any function of the strand section 44 in securing the pole sections 50 together. Rather, the pole sections 50 are secured together by the inner elements 20. This can be clearly seen simply by noting that the pole as assembled (Figure 1) would be assembled just as effectively even if the strand 44 were omitted. The sole function of the strand 44 is to attach the inner elements 20 together so that the pole sections will not become separated from one another in the collapsed condition of the pole structure (i.e., there will be no “loose parts”—see col. 1, line 27), and so that the collapsed structure can be folded into a compact condition as shown in Figure 2.

Furthermore, the inner elements 20 do not meet the claimed “securing means *movably securable on the securing line in an axial direction* to secure the sections of the pole together”. Lambert describes that the inner elements 20 are *fixedly attached* to the inner elements 20:

“Adjacent pairs of inner sections 20 are attached together by sections of flexible strand 44, such as wire rope of a particular length. *Each strand section 44 terminates at both ends in locking plugs 46 that engage axial bores 48 in each of the inner element ends 22, 24.* However, the flexible strand could be one continuous piece extending through the entire length of the structural member and

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passing through each inner element 20, if so desired, with *each inner element 20 being fixidly [sic, fixedly] attached thereto.*" (Col. 2, lines 38-47, italics added.)

Thus, the inner elements 20 are not "movably securable on the securing line [44] in an axial direction to secure the sections [50] of the pole together" as claimed.

For these reasons, it is evident that Lambert fails to disclose or suggest any "securing means movably securable on the securing line in an axial direction to secure the sections of the pole together" as claimed. Therefore, the combination of Armstrong and Lambert, even if proper (which is not admitted), still fails to disclose all of the elements of Claim 1.

Applicant respectfully submits, therefore, that Claim 1 is patentable over the cited references.

Dependent Claims 2-4, 12-14, and 16 include all of the elements of Claim 1, and therefore are likewise patentable over the references.

Additional Comments

For the Examiner's information, a European patent (EP 1 695 318 B1) has already been granted, having claims substantially the same as the present claims, and a corresponding Mexican application has also been allowed.

The claimed invention has also been commercially successful, as indicated by the enclosed letter from the inventor Barry Geer.

These facts indicate that the claimed invention has provided a significant advance in the art.

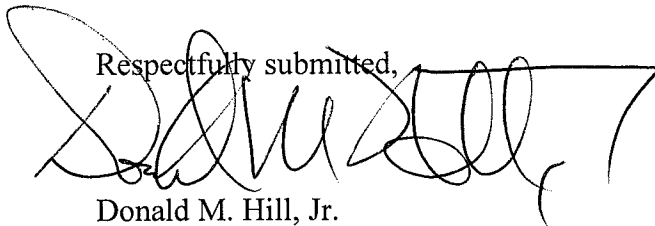
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Conclusion

Based on the above remarks, Applicant respectfully submits that the claimed invention is novel and nonobvious over the prior art cited in the Office Action, and thus all pending claims are patentable over the cited references, and the application is in condition for allowance.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald M. Hill, Jr.", written over a horizontal line.

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